

REMARKS

Applicants wish to express appreciation to Examiner Michael Nghiem for the courtesy of an interview which was granted to Applicants' representatives Michael Faibisch (Reg. No. 48,427). The interview was held at the USPTO on April 24, 2003. The substance of the interview is set forth in the Interview Summary, Paper No 12. The present amendment is intended to be fully responsive to all points of rejection raised by the Examiner, and is believed to place the application in condition for allowance.

Claims 1 – 54 and 61 – 70 are pending in the application.

Claims 1, 5, 26 and 29 are currently amended.

No new matter has been added. Support for the amendments can be found, *inter alia*, at Fig. 1 and originally filed claims 1 and 5.

Favorable reconsideration and allowance of all claims under consideration is respectfully requested.

Claims Rejections – 35 U.S.C. §102(b) – DeLange.

Claims 1 – 4 and 26 – 28 are rejected under 35 U.S.C. §102(b) as being anticipated by DeLange (3,447,856). Applicants respectfully traverse the above rejection as applied to each rejected claim.

The DeLange reference describes an optical pulse multiplier for increasing the pulse repetition rate of optical pulses.

Claim 1 has been amended and includes the following distinguishing recitation:

a pulsed light source that produces pulsed light; and

a modulator that asynchronously modulates the pulsed light at a data rate that is higher than a pulse repetition rate of a modulated pulsed light.

Claim 26 has been amended and includes the following distinguishing recitation:

providing pulsed light that is pulsed; and

asynchronously modulating the pulsed light at a data rate that is higher than a pulse repetition rate of a modulated pulsed light.

As noted above, the DeLange reference describes an optical pulse multiplier for increasing the pulse repetition rate of optical pulses. A data rate at rate of modulation corresponding to a pulse repetition rate of optical pulses after pulse rate multiplication would be higher than a pulse repetition rate of optical pulses prior to pulse rate multiplication.

DeLange does not show or suggest modulating the pulsed light at a data rate that is higher than a pulse repetition rate of a modulated pulsed light.

In view of the foregoing, Applicants respectfully submit that claims 1 and 26, as amended, are deemed patentable over DeLange. Applicants respectfully request that the Examiner withdraw this rejection of claims 1 and 26.

Claims 2 - 4 depend from claim 1 and claims 27 and 28 depend from claim 26. Each of claims 2 - 4, 27 and 28 include additional distinguishing recitation. Inasmuch as claims 1 and 26, as amended, are deemed patentable over DeLange, Applicants respectfully submit that claims 2 - 4, 27 and 28 are also patentable over DeLange. Applicants respectfully request that the Examiner withdraw this rejection of claims 2 - 4, 27 and 28.

Claims Rejections - 35 U.S.C. §103(a) - DeLange in view of DeBenedictis et al.

Claims 5 - 25 and 29 - 48 stand rejected as being unpatentable over DeLange in view of DeBenedictis (4,205,348). Applicants traverse this rejection as applied to each rejected claim.

As noted above, the DeLange reference describes an optical pulse multiplier for increasing the pulse repetition rate of optical pulses.

The DeBenedictis reference describes a laser scanner utilizing facet tracking and acousto pulse imaging techniques including a scanner scanning modulated pulsed light over a surface.

Claim 5 has been amended and includes the following distinguishing recitation:

a pulsed light source that produces pulsed light;
a modulator that modulates the pulsed light at a **data rate that is higher than a pulse repetition rate of a modulated pulsed light**; and
a scanner that scans the modulated pulsed light over the surface

Claim 29 has been amended and includes the following distinguishing recitation:

providing pulsed light that is pulsed;

modulating the pulsed light at a data rate that is higher than a pulse repetition rate of a modulated pulsed light; and
scanning the modulated pulsed light over the surface to record an image.

As noted above, the DeLange reference describes an optical pulse multiplier for increasing the pulse repetition rate of optical pulses. A data rate at a rate of modulation corresponding to a pulse repetition rate of optical pulses after pulse rate multiplication would be higher than a pulse repetition rate of optical pulses prior to pulse rate multiplication. The DeBenedictis reference describes a laser scanner utilizing facet tracking and acousto pulse imaging techniques including a scanner scanning modulated pulsed light over a surface.

Neither DeLange nor DeBenedictis, alone or in combination, show or suggest modulating the pulsed light at a data rate that is higher than a pulse repetition rate of a modulated pulsed light.

In view of the foregoing, Applicants respectfully submit that claims 5 and 29, as amended, are deemed patentable over DeLange in view of DeBenedictis. Applicants respectfully request that the Examiner withdraw this rejection of claims 5 and 29.


Claims 6 – 25 depend from claim 5 and claims 30 – 48 depend from claim 29. Each of claims 6 – 25 and 30 – 48 include additional distinguishing recitation. Inasmuch as claims 5 and 29, as amended, are deemed patentable over DeLange in view of DeBenedictis, Applicants respectfully submit that claims 6 – 25 and 30 – 48 are patentable over DeLange in view of DeBenedictis. Applicants respectfully request that the Examiner withdraw this rejection of claims 6 – 25 and 30 – 48.

Applicants respectfully point out that the amendments were made to avoid a possible interpretation of the claims that the claims did not exclude the possibility that after generation the pulse repetition rate. Applicants believe that the claims as originally filed inherently included this limitation and that, in fact the amendments make no real change in the scope of the claims, which are therefore cosmetic in nature. Furthermore, Applicants do not intend for the amendment to exclude any portion of the scope of the claims, other than to clarify that the repetition rate of the pulses actually modulated by the modulator is lower than the data rate.

Conclusion and Request for Interview

In view of the foregoing, this application is believed to be in order. Reconsideration and allowance of this application are respectfully solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly invited to contact Mr. William H. Dippert, Esq. at the telephone number listed below.

Respectfully submitted,
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May 22, 2003
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